

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board

Paper No. 26

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KEITH JAMES HANNA, PETER J. BURT, SCHMUEL PELEG,
DOUGLAS F. DIXON, DEEPAM MISHRA, LAMBERT E. WIXSON,
ROBERT MANDLEBAUM, PETER COYLE AND JOSHUA R. HERMAN

Appeal No. 2001-1230
Application 08/759,346

ORDER REMANDING TO EXAMINER

On March 15, 2000, appellants filed an amendment under 37 C.F.R. § 1.116 (Paper No. 20) after the final rejection (mailed June 23, 1999; Paper No. 13) and after the appeal brief (filed December 2, 1999; Paper No. 19). The proposed amendment filed March 15, 2000, which amended claims 7, 11, 14 and 16, has not been considered. If this amendment is not entered appellants' appeal brief is defective, for it is no longer accurate in the status of any amendment filed subsequent to the final rejection, nor does appellants' brief contain an accurate appendix. 37 CFR § 1.192(c)(9) requires that the appendix to the appeal brief contain a correct copy of the claims involved in the appeal. Appropriate consideration of the amendment and notification to applicant is required.

Appeal No. 2001-1230
Application 08/759,346

Accordingly, it is

ORDERED that the application is remanded to the Examiner for clarifying the entry status of the amendment filed March 15, 2000 (Paper No. 20), for notification to appellants in writing of the action taken, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____
Kimberly Jordan
Program and Resources Administrator
(703) 308-9797

KJ:caw

RATNER & PRESTIA
SUITE 301, ONE WESTLAKES, BERWYN

Appeal No. 2001-1230
Application 08/759,346

P. O. BOX 980
VALLEY FORGE, PA 19482-0980